

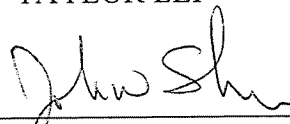
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S and	)	
ANTON MAYR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-614 (SLR)
	)	
ACAMBIS INC. and	)	
ACAMBIS PLC,	)	
	)	
Defendant.	)	

**NOTICE OF LODGING**

Plaintiff Bavarian Nordic A/S hereby lodges the September 12, 2001 letter to Professor Moss as part of the summary judgment record in this action. As stated during the February 9, 2007 oral argument, Bavarian Nordic discussed the attached document in its briefing, but inadvertently did not include a copy of the document in its supporting appendices.

YOUNG CONAWAY STARGATT &  
TAYLOR LLP



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John W. Shaw (No. 3362)  
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Attorneys for Bavarian Nordic A/S

Dated: February 15, 2007

*Prof.Dr.Dr.h.c.mult.Anton Mayr*  
Lehrstuhl für Mikrobiologie und Seuchenlehre  
Ludwig-Maximilians-Universität München

80539 München  
Veterinärstraße 13  
Tel. 089/2180-2532

12. September 2001

Bernard Moss M.D., Ph.D.  
Chief, Laboratory of Viral Diseases  
NIAID, National Institutes of Health  
Building 4, Room 229  
Bethesda, MD, 20892-0445  
USA

Dear Professor Moss,

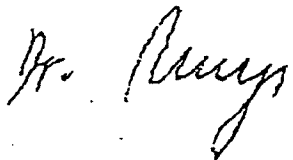
In response to your request for an early sample of vaccinia Virus MVA 1 was happy to provide you with the material MVA 572. FHE - 22.02.1974.

This virus material represents lyophilized tissue culture material from the 572nd passage of MVA on primary chicken embryo fibroblasts harvested February 22, 1974 and originates from the vaccinia virus MVA developed and passaged at the Institut für Mikrobiologie und Infektionskrankheiten der Tiere, Ludwig-Maximilians-Universität München (see Mayr *et al.* 1975, *Passage history, properties and applicability of the attenuated vaccinia virus strain MVA*, Infection 3:6-14).

Propagation in chicken embryo fibroblasts through two plaque purification passages (MVA 569.FHE - 12.02.74 and MVA 570. FHE - 15.02.74) and an amplifying passage (MVA 571. FHE - 19.02.74) resulted in the virus stock MVA 572. FHE - 22.02.1974 which was titrated (original titer  $10^{8.25}$  TCID<sub>50</sub>/ml) and lyophilized as standard MVA seeding material. This virus material has been stored at the institute under my control since that time.

With best regards.

Sincerely yours,



Prof.Dr.Dr.h.c.mult.Anton Mayr

**CERTIFICATE OF SERVICE**

I, John W. Shaw, Esquire, hereby certify that on February 15, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on February 15, 2007, I caused a copy of the foregoing document to be served on the above-listed counsel and on the following non-registered participants in the manner indicated:

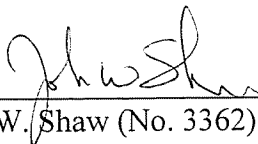
**By E-Mail on 02/15/07 and by Hand Delivery on 02/15/07**

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**YOUNG CONAWAY STARGATT & TAYLOR, LLP**

A handwritten signature in cursive script, appearing to read "John W. Shaw", is positioned above a horizontal line.

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